

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION

KATRINA RUTTER

PLAINTIFF

v.

NO. 3:05CV00215 JWC

JO ANNE B. BARNHART,
Commissioner, Social
Security Administration

DEFENDANT

ORDER

Defendant has filed a motion to remand this case pursuant to sentence four of 42 U.S.C. § 405(g) (1995):

The court shall have the power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing.

The Commissioner seeks remand for further development of the record, including a new hearing and reassessment of Plaintiff's residual functional capacity, and to issue a new decision. Plaintiff promptly replied that she has no objection to the requested remand. Under the circumstances, a sentence four remand is appropriate. Buckner v. Apfel, 213 F.3d 1006, 1010-11 (8th Cir. 2000).

Accordingly, it is hereby

ORDERED that Defendant's motion to remand (docket entry #14) is granted. This is a "sentence four" remand. This dismissal is without prejudice to Plaintiff's subsequent filing for attorney's fees under the Equal Access to Justice Act.

DATED this 26th day of May, 2006.


UNITED STATES MAGISTRATE JUDGE